



Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

CONDITIONAL USE PERMIT APPLICATION¹

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 350.00



PROPOSED USE (as described in the Flathead County Zoning Regulations):

The Applicants are requesting and Conditional Use Permit to utilize an outbuilding for a Home Occupation as provided for in Section 5.06.020.2.B of the Flathead County Zoning Regulations. The proposed use is an Automotive Repair Shop with no outdoor storage wreacked, vehicles, auto parts, or vehicles under repair. A portion of the business is actually off-site where the applicant travels to sites to repair large vehicles such as snow plows, loaders, tractor rigs, etc. The proposed use has been in place since 1992 and recently came to the attention of the County Zoning Administrator as a Zoning Violation. If approved, the proposed CUP would bring the applicants use into compliance with the Flathead county Zoning Regulations.

OWNER(S) OF RECORD:

Name: Pamella Rick and Pamula Teets Phone: (406) 249-0313

Mailing Address: 120 N. Springwood Road

City, State, Zip Code: Kalispell, MT 59901

Email: _____

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Sands Surveying, Inc, Eric H. Mulcahy, AICP Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip Code: Kalispell, MT 59901

Email: eric@sandssurveying.com

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street

Address: 120 N Springwood Road S 27 T 29N R 21W

Subdivision

Name: North Springwood Tract No(s). _____ Lot No(s). 6 Block No. _____

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**

2. Explain how the proposed use meets all of the required criteria below. **ALL CRITERIA MUST BE DISCUSSED.** If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:

A. Site Suitability.

The site is suitable for the use. This includes:

- (1) adequate usable space

The applicants have 3.25 acres in a R-1 zoning classification which allows a minimum lot size of one acre for subdivision. The applicant has a residence on the property and a large shop building with car lifts and equipment for repairing automobiles. There is adequate space within the shop to house all equipment, parts, and autos under repair. The applicant has a travel trailer, toy hauler and other personal vehicles parked neatly outside. There is plenty of space to operate the business without impacting neighboring properties.



The white shop in the background is the Auto Repair Shop

- (2) adequate access

The subject property is located in the North Springwood Subdivision which was platted to County standards in 1988. As such, the subdivision is served by a 60-

¹ Revised: 06/24/10

foot road and utility easement with a twenty foot graveled driving surface. The Subdivision has a recorded road maintenance agreement in the CC&R's, however, Mr. Teets maintains the subdivision road with his snow plow at no charge to the neighboring property owners.

- (3) absence of environmental constraints

The property was developed through the Subdivision and Platting act and as such was required to comply with DEQ approval for sewer and water facilities. The property does have a small area of 100-year floodplain in the northeast corner of the property and the Subdivision Plat set this aside in a drainage easement. The house and shop are located outside of the floodplain in compliance with the plat restriction and the Floodplain regulations. There are no mapped wetlands on the subject parcel. Approximately 10 years ago the Teets had the property surveyed for flood insurance purposes and the survey showed that the house sits 11.5 feet above the spring creek elevation. After the survey, the applicants were not required to carry 100-year floodplain insurance. (A copy of the Floodplain Map is attached with the Application)

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

The 3.25 acres provides plenty of space for parking of the Teets' personal vehicles and the shop building provides plenty of room to park vehicles under repair within the confines on the shop. (See site plan for parking plan.)

- (2) traffic circulation

The applicant has a typical residential driveway off of North Springwood Road that provides access to the shop. The areas around the shop are cleared with a gravel area for turning around and parking of the Teets personal vehicles. There is adequate room for the Teets and customers to get in and out of the property without impacting the neighbors

- (3) open space

The Teets property is 3.25 acres in size with a single family residence and the shop building. There is substantial open space on the property and it is in character with surrounding properties in the neighborhood. (See Site Plan)

- (4) fencing, screening

The Teets' built a nice cedar privacy fence along the southern property line to screen the closest neighbor from the shop. The remaining property boundaries are fenced with a four-foot rail fence or wire and most of the trees and vegetation have been preserved to create a natural screen of the property.



Rail fence and driveway leading into the Teets property

(5) landscaping

The eastern half of the property is treed with native vegetation which provides a nice landscape buffer to neighboring properties. The applicant does not propose additional landscaping as part of this CUP applications (See aerial photograph submitted with this application.

(6) signage

The applicant does not have business signage on the property and does not propose to put one up. The applicant does have a small, wooded sign with the address and "Rick and Pam Teets" printed on the which is common and recommend for emergency response. The applicants wish to keep this sign.

(7) lighting

Outdoor lighting is minimal and consistent with residential properties in the neighborhood. No new or additional outdoor lighting is proposed with this application.

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(1) sewer

The property is served by an individual on-site septic system as reviewed and approved by the MDEQ. The applicant collects all oil and coolants for recycling

on-site or at Northwest Equipment Sales or Mikey's Gas and Diesel Shop. (See receipts from each for delivery of waste oil) The applicant has a coolant recycling system in the shop so in the instance where coolants are removed from a vehicle under repair, the coolant is run through the recycling machine and placed back in the vehicle.



Coolant Recycling machine

The applicant recently purchased a waste oil furnace to heat the shop which will efficiently to burn waste oil during the winter month. The furnace is not hooked up yet but will pending the outcome of this CUP application.



The furnace is the item on the right and waste oil storage is on the left.

The applicant has six above grade waste oil storage tanks stored within the shop. Waste oil not burned in the furnace is transported off-site to Northwest Equipment Sales or Mikey's Gas and Diesel Hop for recycling See attached invoices. Mr. Teets uses a vacuum system to catch and remove waste oil from vehicles. The waste oil is than vacuum pumped into the storage tanks.



Waste oil collection and vacuum system on left.

- (2) water

The applicant has an individual well that serves the house and shop with potable water.

- (3) storm water drainage

Stormwater drainage from the existing buildings is handled on-site which is typical of subdivision lots of this size. As all oil and coolants are collected in the shop for recycling, none of these potential pollutants are directed outside the building and to drainage infiltration areas. The roof and snow melt is typical of any residential structure in the Evergreen area.

- (4) fire protection

The property is located in the Evergreen Fire District. The Fire District constructed a brand new station which is now operating with a full time staff 24 hours a day, seven days a week. The District has approximately 34 personnel of which three are full time and sixteen are part-time.

- (5) police protection

The proposed subdivision will be served by the Flathead County Sheriffs Office. Appendix A of the Flathead County Growth Policy states that the Sheriff's Office has six divisions with 118 employees of which 48 are "on the ground" law enforcement officers responsible for the unincorporated portions of the County. The Sheriff's Office runs three shifts in a 24 hour period with 4 to 6 officers on duty each shift. The Sheriffs Office is located in Kalispell and response times will depend on whether or not there is a deputy in the area.

- (6) streets

The property is served by North Springwood Road which is a privately maintained subdivision road. The applicant Mr. Teet's provides the snow removal and annual grading of the road for the subdivision. North Springwood Road Connects to Helena Flats Road which is a paved County maintained collector road.

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation

The applicant takes in four to seven cars a week which generates 1.6 to 2.8 vehicle trips a day (See Quick Books Invoices of work recorded for months of August and September). During the months of August and September the Auto Repair shop worked on 32 and 31 vehicles respectively for an average of 1.4 vehicles per workday in August and 1.5 vehicles per work day in September. The applicant also does off-site work where he travels to work sites to repair heavy equipment like snow plows and tractor trailer rigs for clients in which case he leaves in the morning and comes home in the afternoon and at which time generates only two vehicle trips on-site. During the month of August of the 32 vehicles the applicant worked on six were heavy equipment that the applicant work on off-site. In September that applicant work on five vehicles off-site of the 31. There is one to two parts deliveries a day for 2 to 4 vehicle trips per day. Therefore the total traffic generation on a given day will range from 3.6 to 6.8 vehicle trips per day when the applicant is not working off-site and which is below the 8 vehicle trips per day required for a home occupation as outlined in Section 5.06.020.2.A of the Flathead County Zoning Regulations.

Off-site clients include Matt Rothermeel Landscaping, Pierce RV, Dave Thomas Construction, Iron Horse, and Jump Trucking to name a few. A number of these are included in the August and September Invoices submitted with this application.

- (2) noise or vibration

As with any auto repair business there will be some noise and vibration generated by air tools and idling vehicles. However all of the work is done indoors within the confines of the shop. The shop is located on 3.25 acres and

well buffered from neighboring properties. The neighbor that lives directly south of the Teets property is the closest neighbor and he has provided a letter that states he is not impacted by any noise or other nuisance that might be generated by the business. Four other neighbors have also provided letters for this application stating that they have no objections to the business or proposed Conditional Use Permit.

- (3) dust, glare or heat

The auto repair business has been in place since 1992 and does not generate any more dust, heat, or glare, than is common for a typical single family residence.

- (4) smoke, fumes, gas, or odors

Other than car exhaust, the auto repair shop does not generate smoke, fumes, gas or odors out of character with the surrounding residential uses. As Mr. Teets business is a one man operation he only works on one car at a time and with one motor running when tuning a vehicle the car exhaust is not a significant contributor to fumes. As with most auto repair projects, the car is not running when it is being worked on.

- (5) inappropriate hours of operation

The auto repair shop operates at the typical 8am to 5pm hours Monday through Friday. Therefore he is working when most everyone else is at work and at the very least when neighbors are not sleeping.

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts
- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

Date _____

Planner's

Signature _____

Performance Standard Conformance

Section 5.06.020 of the Flathead County Zoning Regulations sets a Performance Standards for Home Occupations. The Standards are as Follows:

- A. No outdoor Storage shall be permitted

See answer to question A.1 of this application

- B. Exterior signs shall be restricted to those permitted in the District in which the home occupation is located.

See answer to question B.6 of this application

- C. No home occupation shall be conducted in a manner which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

See answers to questions D.1-6 of this application

- D. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard or side yard.

See answers to question B.1 of this application

- E. The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by more than one (1) at any given time or by more than eight (8) all day.

See answers to question D.1 of this application

- F. No home occupation shall generate as a by-product for disposal or cause to be dumped any hazardous waste including chemicals and cleaners, other than the volume and types that would be normally generated by a typical single family home.

See answers to questions C.1-3 of this application

- G. No home occupation shall cause an increase in any one or more utilities so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

The existing repair shop does not generate any more utility usage than any of the other shops, farm building or arenas found in the general vicinity of the Helena Flats neighborhood.

An occupation in an AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 or R-2 district, which meets one or more of the following criteria, shall be deemed a conditional home occupation and shall be required to obtain a Conditional Use Permit:

- A. More than one (1) person other than members of the family residing on the premises shall be engaged in such occupation on the property at any given time.

The applicant employs only himself for a total of one employee at the auto repair shop.

- B. Outbuildings or accessory structures are used for the home occupation.

The business is located in a detached shop/outbuilding and therefore is requesting this Conditional Use Permit.

INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
 - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Rich Teets

Applicant Signature

10 24 11

Date